

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Court File No. 21-CR-169 (ECT/JFD)

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United States of America,  
Plaintiff,

v.

**Unopposed Fifth Motion for Extension of  
Time to File Pretrial Motions**

Harold Bennie Kaeding,  
Defendant.

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Defendant Harold Bennie Kaeding, by and through counsel, respectfully requests an extension of time to file pretrial motions. On July 27, 2022, pursuant to this Court's order, Mr. Kaeding was transferred from the Sherburne County Jail to Columbia Regional Care Center (CRCC) in South Carolina. Counsel was able to confer with him for the first time following the transfer on August 9, 2022. That conversation revealed that there are a number of barriers to preparing and filing pretrial motions:

Communication. Mr. Kaeding has been diagnosed with profound hearing loss.

While at the jail he was able to use an amplification device to participate in Zoom meetings, and with an iPhone he could use to contact family and counsel. He was not permitted to bring either of those items with him to CRCC. It appears that he is presently unable to use the phone at CRCC, and is using cell mates to facilitate calls and messages. During the Zoom on August 9, Mr. Kaeding was unable to hear counsel, which necessitated use of the chat function. This is a time-consuming and inefficient method

of communication. CRCC has indicated it will request a consultation with an audiologist, and Mr. Kaeding's family is working to send his hearing aid to CRCC.

Access to Counsel. In addition to Mr. Kaeding's communication difficulties, it appears his access to counsel will be limited by the facility. The Zoom on August 9 was subject to a strict time limit which the facility did enforce. Counsel has been informed by CRCC staff that the next available appointment for a Zoom with Mr. Kaeding is not until August 29.

Access to Legal Materials. Mr. Kaeding reports that he was not permitted to bring his legal materials, including his discovery and notes, with him on the transport, but was told they would be mailed to him. It was not clear to him whether this meant they would be sent to CRCC, but he has not received them. Counsel has contacted the jail administrator, who said he will look into the matter on Monday. Additionally, Mr. Kaeding reports that he does not believe he will have access to a computer at CRCC, which is significant given the volume and nature of the discovery, much of which has been provided to Mr. Kaeding on usb drives.

Mr. Kaeding's Health. Mr. Kaeding reports that his acute medical condition appears to be responding well to treatment, but that his chronic conditions are not being addressed. Mr. Kaeding reports that his pain is being inadequately managed and that, as a result, he is unable to sleep at night and unable to focus when he is awake. He

also reports experiencing lots of headaches. Counsel has been informed that CRCC will not provide medical reports directly to counsel.

Government's Position. The government has reviewed this motion and indicated it is unable to assess the veracity of many assertions regarding Mr. Kaeding's current situation at CRCC. However, the government is unopposed to one additional 60-day extension to ensure Mr. Kaeding gets settled and can make informed decisions about how his case should progress.

The present deadline for filing motions is August 15. A 60-day extension is respectfully requested, along with a commensurate continuance of the motions hearing. Counsel further requests that this time be excluded from the Speedy Trial Act computations in this case, for the reasons stated above. Mr. Kaeding has indicated that he agrees with these requests.

Respectfully submitted,

Dated: August 10, 2022

/s/ Lee Johnson

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